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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DEBRA ZANETTI and DANIEL	)	
TRONGONE, class representatives on	)	
behalf of themselves and others similarly	)	
situated,	)	
	)	Case No. 09-CV-02017 (DRD/MAS)
Plaintiffs,	)	
	)	<b>CERTIFICATION OF VANESSA M.</b>
v.	)	<b>KELLY, ESQ. IN SUPPORT OF</b>
	)	<b>DEFENDANT'S MOTION TO EXTEND</b>
IKO MANUFACTURING, INC., a	)	<b>TIME TO ANSWER OR OTHERWISE</b>
Delaware Corporation,	)	<b>RESPOND TO PLAINTIFF'S</b>
	)	<b>AMENDED COMPLAINT</b>
Defendants.	)	

Vanessa M. Kelly, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm Schwartz Kelly, LLC, attorneys for Defendant IKO Manufacturing, Inc. ("IKO") in the captioned matter. I make this Certification in support of IKO's motion to extend the time within which it may answer or otherwise respond to Plaintiffs' Amended Complaint. I am fully familiar with the facts stated herein.

2. Plaintiffs filed their Complaint on April 29, 2009. (Dkt. No. 1). IKO was not served with the complaint. Plaintiffs filed their Amended Complaint on June 1, 2009. (Dkt. No. 4). IKO was served with the Amended Complaint on June 8, 2009. On July 14, 2009,

this Court granted IKO's motion to extend the time to answer or otherwise plead until August 13, 2009. (Dkt. No. 13).

3. In the Amended Complaint, Plaintiffs have alleged a wide-reaching consumer class action "on behalf of all persons and entities who purchased IKO shingles." (Amd. Cmplt. ¶ 1).

4. The Amended Complaint is similar, if not identical, to other complaints filed in other federal courts. *See Gerald P. Czubas v. IKO Manufacturing, Inc.* et al, No. 09-cv-0409 (W.D.N.Y. filed April 29, 2009); *McNeil et al. v. IKO Manufacturing, Inc.*, 1:09-cv-04443 (N.D. Ill. filed July 24, 2009); *Michael Hight and Michael Augustine v. IKO Manufacturing, Inc.* et al, No. 2:09-cv-00887 (W.D. Wa. filed June 26, 2009).

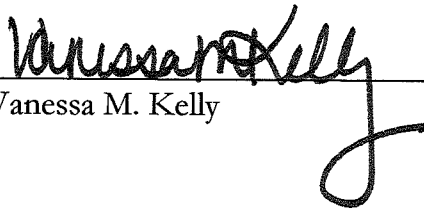
5. On August 6, 2009 IKO Manufacturing, Inc., IKO Chicago, Inc., and IKO Pacific, Inc. filed a motion before the Judicial Panel on Multidistrict Litigation seeking to consolidate these actions before a single federal court. Attached at Exhibit A is a true and correct copy of the Notice of Motion to Consolidate and Transfer Actions. A copy of this Motion was duly served upon the Clerk of this Court.

6. Accordingly, IKO respectfully requests at this time for an Order deferring the time to answer or otherwise respond to Plaintiffs' Amended Complaint until thirty (30) days after the Judicial Panel on Multidistrict Litigation has issued its ruling on the location of the consolidated cases. A proposed order is attached.

7. IKO's counsel has contacted the attorneys for Plaintiffs and is advised that the Plaintiffs consent to the relief requested herein.

I certify that the foregoing statements made by me are true. I am aware that if any of these statements are willfully false, I may be subject to punishment.

Dated: August 11, 2009

  
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Vanessa M. Kelly

BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE IKO ROOFING SHINGLE  
PRODUCTS LIABILITY LITIGATION

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MDL DOCKET NO. \_\_\_\_\_

**DEFENDANTS' MOTION FOR TRANSFER OF ACTIONS TO THE  
NORTHERN DISTRICT OF ILLINOIS PURSUANT TO 28 U.S.C. § 1407 FOR  
COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Pursuant to 28 U.S.C. § 1407 and Rule 7.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendants IKO Manufacturing, Inc., IKO Chicago, Inc. and IKO Pacific, Inc. ("IKO") hereby respectfully move the Judicial Panel on Multidistrict Litigation for an order: (a) transferring all virtually identical class actions regarding IKO roofing shingles, pending before various different federal district courts, as well as any cases that may subsequently be filed asserting similar or related claims, to a single district court, and (b) consolidating those actions for coordinated pretrial proceedings. Defendants respectfully request that the Panel transfer the actions to the United States District Court for the Northern District of Illinois, Eastern Division. In support of the transfer and consolidation of the actions, Defendants aver the following, as set forth more fully in the accompanying supporting Memorandum:

1. IKO Manufacturing, Inc., IKO Chicago, Inc., and IKO Pacific, Inc., related U.S. entities, are defendants in three actions: *Pamela D. McNeil et al. v. IKO Manufacturing, Inc. et al.*, Civil No. 1:09-cv-04443, pending before Judge Samuel Der-Yeghiayan in the United States District Court for the Northern District of Illinois (the "Illinois Action"); *Gerald P. Czuba et al. v. IKO Manufacturing, Inc. et al.*, Civil No. 09-CV-0409, pending before Judge William M.

Skretny in the United States District Court for the Western District of New York (the “New York Action”); and *Hight et al. v. IKO Manufacturing, Inc. et al.*, Civil No. 2:09-CV-00887-RSM, pending before Judge Ricardo S. Martinez in the United States District Court for the Western District of Washington (the “Washington Action”). A copy of Plaintiffs’ Complaint in the Illinois Action is attached as “Attachment A” to the accompanying Memorandum, a copy of Plaintiffs’ Amended Complaint in the New York Action is attached as “Attachment C” to the accompanying Memorandum, and a copy of Plaintiffs’ Complaint in the Washington Action is attached as “Attachment D” to the accompanying Memorandum.

2. IKO, Manufacturing, Inc. is the sole defendant in *Debra Zanetti et al. v. IKO Manufacturing, Inc.*, Civil No. 2:09-CV-2017, pending before Judge Dickinson R. Debevoise in the United States District Court for the District of New Jersey (the “New Jersey Action”). A copy of Plaintiffs’ Complaint in the New Jersey Action is attached as “Attachment B” to the accompanying Memorandum.

3. As required by 28 U.S.C. § 1407(a), and as set forth in detail in the accompanying Memorandum, the cases proposed for transfer and consolidation “involve one or more common questions of fact.” The complaints contain virtually identical factual allegations with respect to the allegedly defective roofing shingles manufactured by Defendants, and premise recovery upon similar theories of liability. The prayer for relief is identical across all of the actions.

4. The proposed transfer and consolidation of these products liability class actions “will be for the convenience of parties and witnesses and will promote the just and efficient conduct” of these actions. 28 U.S.C. § 1407(a). Consolidation will also eliminate the risk of inadvertent and potentially problematic inconsistent rulings on pretrial motions as may occur if the related actions remain uncoordinated and pending before a number of different courts.

Consequently, the savings in time and expense that will result from consolidation will benefit Plaintiffs, Defendants and the judicial system.

5. Defendants respectfully request that this Panel grant their request to transfer and consolidate all related actions listed in the accompanying Schedule of Actions in the Northern District of Illinois because much of the documentary and testimonial evidence relevant to the common factual issues is located in or near Chicago, and because it is the most geographically central, convenient and accessible location for all of the parties.

6. This Motion is based on the Memorandum filed by Defendants in support of this Motion, the pleadings and papers on file herein, and such other matters as may be presented to the Panel at the time of any hearing.<sup>1</sup>

Dated: August 6, 2009

Respectfully submitted,

By: 

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ATTORNEYS FOR DEFENDANTS

IKO MANUFACTURING, INC., IKO

CHICAGO, INC. AND IKO PACIFIC, INC.

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<sup>1</sup> Pursuant to Rule 5.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendants have simultaneously delivered copies of this Motion to the Clerk of each district court in which the related actions are pending.

BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE IKO ROOFING SHINGLE  
PRODUCTS LIABILITY LITIGATION

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MDL DOCKET NO. \_\_\_\_\_

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing Motion, Brief, Schedule of Actions and this Proof of Service was served by First Class Mail on August 6, 2009 to the following:

**Clerks of the Courts where Actions are Pending**

Clerk of the Court  
United States District Court for the Northern District of Illinois  
219 South Dearborn Street  
Chicago, IL 60604

Clerk of the Court  
United States District Court for the District of New Jersey  
50 Walnut Street  
Newark, NJ 07101

Clerk of the Court  
United States District Court for the Western District of New York  
68 Court Street  
Buffalo, NY 14202

Clerk of the Court  
United States District Court for the Western District of Washington  
700 Stewart Street  
Seattle, WA 98101

**Pamela D. McNeil and James K. Cantwil v. IKO Manufacturing, Inc., IKO Industries, Ltd.,  
IKO Sales, Ltd., IKO Pacific, Inc., and IKO Chicago, Inc.; N.D. Ill., No. 1:09-cv-04443**

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**No appearance has been filed for this Defendant in this case.**

IKO Sales, Ltd.  
1 Yorkdale Rd, Suite 602  
Toronto, Ontario M6A 3A1

**No appearance has been filed for this Defendant in this case.**



**Debra Zanetti v. IKO Manufacturing, Inc.; D. N.J., No. 2:09-cv-02017**

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**Gerald P. Czuba, Curtis Czajka, and Richard Peleckis v. IKO Manufacturing, Inc., IKO Industries, Ltd., IKO Sales, Ltd., IKO Pacific, Inc., and IKO Chicago, Inc.; W.D.N.Y., 1:09-cv-00409**

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**No appearance has been filed for this Defendant in this case.**

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**No appearance has been filed for this Defendant in this case.**

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**Michael Hight and Michael Augustine v. IKO Manufacturing, Inc., IKO Industries, Ltd.,  
IKO Sales, Ltd., IKO Pacific, Inc., and IKO Chicago, Inc.; W.D. Wash., 2:09-cv-00887**

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**Counsel for Plaintiffs Michael Hight and Michael Augustine**

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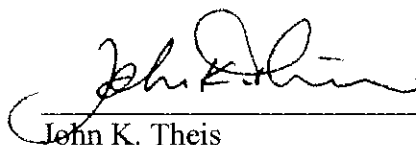
**No appearance has been filed for this Defendant in this case.**

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\_\_\_\_\_  
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